

Message Text

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63

ORIGIN L-02

INFO OCT-01 ARA-10 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00

EB-06 FMC-02 INR-07 RSC-01 CG-00 COA-01 DLOS-05

SWF-01 PA-02 USIA-15 PRS-01 SP-02 PM-03 NSC-05 SS-15

JUSE-00 NSA-01 /080 R

DRAFTED BY L/M:KEMALMBORG:AD

APPROVED BY L/M:KEMALMBORG

EB/MA - MR. JOHE

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P 301934Z OCT 74

FM SECSTATE WASHDC

TO AMEMBASSY BOGOTA PRIORITY

UNCLAS STATE 238347

E.O. 11652: N/A

TAGS: PFOR, EWWT, CO

SUBJECT: SEIZURE OF COLOMBIAN GOVERNMENT-OWNED VESSEL

REF: BOGOTA 9538

1. SOVEREIGN IMMUNITY IS AN AFFIRMATIVE DEFENSE WHICH FIRST MUST BE RAISED WITH THE COURT BY COUNSEL FOR VESSEL OWNER. USG DOES NOT TAKE INITIATIVE WITH COURT TO SUGGEST IMMUNITY. WE HAVE HAD NO WORD FROM COUNSEL FOR NAVENAL AS TO WHETHER HE IS RAISING THIS DEFENSE.

2. IF COUNSEL FOR VESSEL DOES RAISE SOVEREIGN IMMUNITY DEFENSE, HE THEN SHOULD ASK COLOMUIAN EMBASSY TO REQUEST DEPARTMENT TO SUGGEST IMMUNITY TO COURT THROUGH DIPLOMATIC CHANNELS. REQUEST WOULD HAVE TO CONTAIN SUFFICIENT INFORMATION ON LEGAL ISSUES IN LITIGATION AND SUFFICIENT FACTS ON OWNERSHIP AND USE OF VESSEL TO PERMIT US TO MAKE DETERMINATION OF WHETHER US LIMITED DOCTRINE OF SOVEREIGN IMMUNITY MAY BE INVOKED. WE WOULD ALSO BE IN TOUCH WITH COUNSEL FOR OTHER SIDE BEFORE MAKING OUR DECISION. INGERSOLL
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Message Attributes

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Decaption Date: 01 JAN 1960
Decaption Note:
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Disposition Approved on Date:
Disposition Authority: n/a
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Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: KEMALMBORG:AD
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Review Markings:

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30 JUN 2005

Review Media Identifier:
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Review Release Event: n/a
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Review Withdrawn Fields: n/a
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Status: NATIVE
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TAGS: PFOR, EWWT, CO, US
To: BOGOTA
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